

PATENT

Attorney Docket No. A-70881/DJB/VJ  
Application No. 09/970,544***REMARKS***

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendments, claims 17 and 21-40 are pending in the application, with claims 17, 21, 33 and 38 being the independent claims. Support for the subject matter of the amended claims is contained in the application as originally filed. Because the foregoing changes introduce no new matter, their entry is respectfully requested. Applicants submit the foregoing amendments do not raise new issues and present the rejected claims in better form for consideration on appeal.

Based on the above Amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 103******Claims 38-40***

The Examiner has rejected claims 38-40 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,402,946 to Spraul et al. ("the Spraul patent"). The Examiner presented a claim amendment which the Examiner considers to distinguish patentably over the art of record. See Office Action, page 4, item 7. In light of the "final" status of the Office Action, and in an effort to expedite prosecution, Applicants have amended claim 38 in accordance with the Examiner's suggestions, without prejudice or disclaimer. In this regard, Applicant's note that the Spraul patent may not qualify as prior art in that the filing date of the Spraul patent does not predate the filing date of U.S. Provisional Patent Application No. 60/237,588, from which the immediate application claims the benefit of an October 3, 2000 filing date.

For at least these reasons, Applicants respectfully submit that the Spraul patent does not render presently claim 38 obvious. Applicant submits that claims 39 and 40, which depend from claim 38, are allowable over the cited art for at least the same reasons noted above.

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Attorney Docket No. A-70881/DJB/VEJ  
Application No. 09/970,544***Allowable Subject matter***

Applicants thank the Examiner for indicating claims 17 and 21-37 allowed.

Applicants also thank the Examiner for presenting an amendment to claim 38 which the Examiner considers to patentably distinguish over the prior art of record. As noted above, claim 38 has been amended to incorporate the Examiner's suggestions and thus allowable.

***CONCLUSION***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time or additional claims, and/or credit any overpayment to Deposit Account No. 50-2319 (Order No. 465377-01023; Docket No. A-70881/DJB/VEJ).

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Prompt and favorable consideration of this Amendment and Response is respectfully requested.

Respectfully submitted,

DORSEY & WHITNEY LLP

Date: 10/20/2004

By:

  
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